File No. 426

19 37

Collection No.

426

Mysore Residency

Bangalore

(1)

11/7/47 Mab 12-1

Pros. Serial Nos. /- 6

P-32

Subject.

Memorial from municipal employees regarding the appointment of Mr. Mohamad Akbar as Town duly Superintendent.

Previous References.

Later References.

S. 97.—(Blue).

MFP—393 S&P—(M-625)—28-7-36—100,000.

NOTES AND PRECIS.

1 Appointments under the Commission are made as follows:-

(i) Health Officer, Executive Engineer and Secretary -- by the Hon'ble the Resident (Section* 19 of the Bangalore Municipal Law).

(ii) Officers other than the Health Officer, Executive Engineer and Secretary, whose salary exceeds Rs.300 a month -- by the Resident with the consent of the Commission (Section* 19(1), proviso read with Section* 20 of the Municipal Law).

(iii) Other officers whose substantive pay exceeds Rs.150/- but does not exceed Rs.300/- a month - by the Commission by a resolution (Sections 20 and* 32(1)(h) of the Municipal Law and Clause 3 of Bye-Law* No.5-Chapter I).

(iv) Officers whose substantive pay does not exceed Rs.150/- a month -- by the President (Sections 20 and 32(1)(h)≠ of the Municipal Law and Clause 1 of Bye-Law≠ No.5-Chapter I).

* page 6 of the M.Law.

* page 6+7 of M.Law.

* pages 7+9 of M.Law

* page 7 of Bye-Laws.

—do—

-- The post of the Town Duty Superintendent carries a salary of Rs.150-200 plus a conveyance allowance of Rs.25/- per mensem. The authority empowered to appoint a person to this post is therefore the Commission who should do it by a resolution - vide (iii) above.

2 The present incumbent of the post (Mr.P.Sreeramulu Naidu) is due to retire in March 1937. At their ordinary meeting held on the 25th February 1937, the Commission passed a resolution appointing Mr.Mahamed Akbar, Tax Inspector, Revenue Department, as Town Duty Superintendent in place of Mr.Sreeramulu Naidu due to retire.

The

4.

The President's proposition in connection with this appointment, the procedure followed by the Commission in regard to it and their resolution making the appointment are recorded on pages 5 and 6 of the Municipal Proceedings dated the 25th February 1937.

(L)

The Memorialists - who are all Municipal employees say

(1) that the resolution passed by the Commission appointing Mr.Mahomed Akbar as Town Duty Superintendent was ultra vires and

(2) that the decision of the Commission has resulted "in great injustice to the other men eligible for the post in Municipal Service."

They therefore pray that the Hon'ble the Resident may be pleased "to call upon the Commission to reconsider the matter and decide the appointment after considering the claims of all eligible men in Municipal Service" and that "pending reconsideration, the Commission be called upon to keep their resolution of the 25th February 1937, in abeyance".

The proceedings at meetings of the Municipal Commission are to be conducted in accordance with the rules contained in Municipal Bye-Law No.2-Chapter I, made under Section 32(1)(d) of the Municipal Law.

+ Page 1-5 of Bye-Laws.

Section 173 of the Municipal Law provides that

"The Resident shall be bound to require that the proceedings of the Commission shall be in conformity with law and with the rules in force under any enactment for the time being applicable to the Station generally or to the areas over which the Commission has authority"

and that "The Resident may exercise all powers necessary for the performance of this duty, and may, among other things, by order in writing, annul or modify any proceeding which he considers not to be in conformity with law or with such rules as aforesaid".

× page 5 & 6 M Law

Again

Again, under Section 169 of the Municipal Law,

"The Resident may, by order in writing, suspend the execution of any resolution ... of the Commission,.....if, in his opinion, the resolution.....is likely to -----cause injury... to any class or body of persons".

The points for consideration are (1) whether the procedure adopted by the Commission in the matter of this appointment was not in conformity with law and th rules applicable thereto within the meaning of Section 173 of the Municipal Law and (2) whether the resolutio of the Commission has resulted in injury to any class or body of persons within the meaning of Section 169 of the Law.

The P.M.C has simply forwarded the memorial withou any comments. Before coming to a decision on the tw points mentioned above, he may, if approved, be requested to furnish his views on the memorial, with particular references to the two points referred to. Draft submitted for approval.

(From para 1)

Secy.

12.3.37.

S.N.(2) Issue.

* c.f 1(K)
@ c.f. A(K)

Please see S.N.1, paras 1 to 7 of notes ante and S.N.2.

Point (1). The P.M.C. does not think that the method adopted by the Commission offends any rules of law or procedure. The business before the Commission was to select a person for appointment as Town Duty Superintendent; and in the absence of any specific procedure governing the selection, the Commission adopted one of the two courses suggested by the Chairman (P.M.C.); and the P.M.C., in whose name the original proposition (to appoint Mr.Nageswara Iyer to the post) stood, did not object to it. In the circumstances, the fact that there was no proposition, proposed and seconded, before the Commission cannot, it seems, be regarded as constituting a defect in procedure justifying Resident's intervention under Section 173 of the Municipa Law.

10 Point (2). The P.M.C. states

(a) that the usual convention of selecting a man from 'ministerial officers who have done approved service and who have reached the maximum of their grade and who have no further prospects of promotion' was not followed by the Commission on the present occasion;

(b) that his putting up a proposition indicating his choice, restrained several other qualified aspirants from applying for the post; and

(c) that he considers that the best man available has not been selected.

11 (a). The procedure adopted by the Commission was to select a candidate from among the applicants; and all men who wished to be considered for the post should therefore have applied. (Please see further noting regarding this in the

the next para). There were four applicants and the man whom the majority of the Commissioners considered to be the best was chosen. The convention referred to by the P.M.C. was not approved of either by the Standing Committee or by the Commission; and the President agreed to it..

12 (b). In spite of the President's proposition recommending his nominee, three others applied. Other eligible candidates could also have applied likewise, if they chose to do so. But it must be admitted that they might have been under the bona fide belief that the Commission would accept the President's nominee and that they would therefore have no chance of being selected. They may also have felt that in view of the President's proposition, it would not be proper on their part to apply for the post. Now that the President's nominee has not been selected, they perhaps feel that if they had also applied, one of them might have been selected instead of Tax Inspector Mohamed Akbar. This, it seems, is the only grievance, which they can have against the decision of the Municipal Commission.

13 (c). The P.M.C's contention is that the best man has not been selected. But according to him, the best man is Mr.Nageswara Iyer and his claims have already been considered and rejected by the Municipal Commission. The decision as to who is the best man lies entirely with the Commission.

14 It will therefore be seen that if there is any ground for interference, it will be only that mentioned in (b) above. But even supposing that the Commission's decision has resulted in injustice, the persons affected will only be a few - namely those Municipal employees who were eligible to the post but who did not apply for

it

it in view of the President's proposition. It is doubtful whether these few persons could be regarded as a 'class or body of persons' within the meaning of Section 169 of the Municipal Law.

The Municipal Commission will naturally feel aggrieved if, under the extraordinary powers of control vested in him, the Resident were to over-rule them in a matter like this where the decision entirely rests with them. The President, who is the executive head of the Commission, was present at the meeting and he could have explained to the Commissioners the proper course they should follow in selecting a candidate for this appointment. He could have told them that, if they were not going to accept his nominee, there were other eligible candidates whose claims also should be considered, although they had not applied for the post.. The Commission have now actually made the selection; and if the P.M.C. is not satisfied with it or of any of the Municipal employees feel aggrieved, the proper course for them would be to make a representation to the Commission to reconsider their decision. This apparently they have not done.

It is submitted therefore that there do not appear to be sufficient justification for the Resident to veto the Commission's resolution. At the most, what the Resident may do, if he is satisfied that the Commission's decision has resulted in injustice, is to suggest to the P.M.C to refer back the resolution to the Municipal Commission for reconsideration, as was done on a similar occasion in 1924. But as remarked by Mr.Cater in that connection, even that is "an action which should rarely be taken since it amounts to a criticism of the Municipality and is not far removed from a veto, because a hint such as this from the Resident should not ordinarily be disregarded by the Municipal Commission".

Submitted

17 Submitted for orders.

18.3.37

(From para 8).

Secy.

18

I think that we might quite properly inform the Municipal Commission that a Memorial which has been submitted to the Hon'ble the Resident suggests that the decision of the Commission to appoint Mr.Mohamed Akbar has resulted in grave prejudice to other officers in Municipal Service who appear to have better claims to the post, which has always in the past been regarded as a selection post, reserved by convention for ministerial officers who have done approved service and have reached the maximum of their grade and who have no other prospects of promotion. We may point out that the Resident would be very reluctant to interfere in exercise of the power conferred on him by Section 169 of the Municipal Law, but that he would ask the Commission to re-consider their decision with reference to past practice and the claims of all the suitable candidates for the post, and to satisfy themselves, in particular, that no injustice is being done to other Municipal servants who may have stronger claims to the vacant post.

19.3.37

19 Office were brought out very clearly in their notes the points to be considered in dealing with this case.

20 I am impressed by the remarks at A in paras 12 & 15, and in para 13.

21 Those words have to be very strong grounds to justify the Resident interfering in the appointment of an officer the making of which rests under the law with the Commission. As the making of this particular appointment rests with the Commission I think the proper course is to tell the Petitioners that they should address their representations to the Commission. This I think would have to be done before there could be any question of the Resident interfering.

20/3/37.

Lobs 22/3

22 Draft submitted for approval.

23.3.37

24/3

A.S. (Africa)

(under file)

D. No. 3142 S.N.5.

23 There discussed this with Mr. MacInnes. Rodt. has decided that the memorialists should be told that they should make their representations to the Commission in the first instance. It may be desirable however that some time should be allowed for reconsideration of the position.

24 We may reply that Rodt. has no objection to extension of the present man's leave by one month, if R.T.C. finds this advisable.

[signature]
24.3.37.

24a Draft submitted.

24.3.37

25/3.

3.5.37

S.N.(6) Issue.

D.No.4363 S.N.(7).

D.No.4364 S.N.(8).

Please see S.N.1 to 6 and the foregoing notes from para 1.

S.N.7 is a second memorial from certain Municipal employees against the decision of the Commission in the matter of appointment of Mr. Mohomed Akbar a comparatively junior candidate drawing a salary of Rs.84/- as Town Duty Superintendent on Rs.150/- in the vacancy caused by the retirement of Mr.P.Sreeramalu Naidu.

The request in the previous as well as in the present memorial is for setting aside the decision of the Commission. With reference to the first memorial the Resident decided that there would have to be very strong grounds to justify his interfering in the appointment of an officer the making of which rested with the Commission, and that before there could be any question of his interfering, the proper course was for the petitioners to address their representation to the Commission.

The petitioners accordingly addressed their representation to the Commission but the proposition moved at the Commission's meeting of the 29th April, that the resolution of the 25th February (appointing Mr. Akbar as Town Duty Superintendent) be rescinded and that a fresh selection be made after calling for fresh applications, was lost by the President's casting vote.

The Memorialists have therefore again approached the Resident for redress.

The points urged in the memorial are:-

(1) that the Hon'ble the Resident as local Government may deal with the case under Classification, Control and Appeal Rules,

(2) that this is a fit case for the Resident to interfere under Section 169 of the Municipal Law and

(3) that pending orders on the appeal action on the resolution may be ordered to be suspended and the tenure of the retiring officer extended in order to prevent Mr.Akbar taking over on the afternoon of 1st May.

It was impossible to comply with request No.(3) as the time given was too short. If the P.M.C. was really anxious that the tenure of the reitiring man should be extended - pending Resident's orders he would have moved in the matter as on the previous occasion vide S.N.5.

Request (1) and (2) may be dealt with together. The Civil Services Classification Control and Appeal Rules are not applicable to Municipal Service. How far Section 169 of the Municipal Law is applicable to this case has been fully dealt with in paras 3 to 7 of the P.M.C's letter at S.N.3 and in paras 10 to 16 and 21 of the foregoing notes.

The only point that may be stressed in favour of the memorialists is that raised in para 10 of the memorial namely that no opportunity was given to the Municipal Staff in general to apply for the post. Please see the statement at page 8 of the file which shows a list of Municipal employees who have a legitimate claim for the appointment. From among these candidates the Commission considered the claims of only numbers 1 and 2 and selected No.2. Appointments of officers whose substantive pay exceeds Rs.150/- but does not exceed Rs.300/- a month are made by the Commission by a resolution vide Sections 20 and 32(1)(h) of the Municipal Law and Clause 3 of Bye-Law No.5 Chapter 1. Under Section 169 of the Bangalore Municipal Law the Resident may, by order in writing, suspend the execution of any resolution

resolution of the Commission if, in his opinion the resolution is likely to cause injury to any class or body of persons. It is doubtful whether the few Municipal employees who are aggrieved by the decision of the Commission can be considered "a class or body of persons" for the purpose of Section 169.

In all the circumstances it appears that this is a matter in which the Commission's decision should stand.

Submitted for orders.

K.L.
11.5.37

Secy. T.N.T. 11-5-37 I don't think there can be any question now of the Resident interfering, and he, I believe is, I understand, of the opinion that there is no ground for his interference

H Rowlyan.
13.5.37.

Resident.

The Commission have twice considered this matter & they have upheld their original decision. The working of the appointment rests entirely with the Council. In all the circumstances I do not consider that interference on the part of the Resident is called for.

14/5/37

H.
14.5.37.

Draft submitted.

K.L.
15.5.37

Secy. T.N.T. 15-5-37.

H Rowlyan
7.5.37.

Record.

S.N.(9) Issue

CORRESPONDENCE.

Bangalore,
Dated 27th February 1937.

To

The Secretary to the Hon'ble the Resident
in Mysore,
BANGALORE.

Through
The President, Municipal Commission,
Civil and Military Station, Bangalore.

Sir,

The humble Memorial of the undermentioned Municipal employees sheweth :-

(1) that on the agenda of the ordinary meeting of the Municipal Commission held on the 25th February 1937, there was a proposition standing in the name of the President to appoint Mr. K. S. Nageswaraiyer, Head Accountant, Municipal Secretary's Office as Town Duty Superintendent.

(2) that instead of deciding the proposition on its merits, the Commission chose the extraordinary course of deciding the appointment by ballot among ~~only~~ the 4 candidates who had applied for the post.

(3) that if the Commission was not in favour of considering the President's proposition and if in deference to the Commission's wishes the President did not press his proposition, there was nothing for the Commission to consider at that morning's meeting.

(4) that the only course open for the Commission was to ask the President to put up the applications before them at their next meeting to be considered on their merits or to call for a list of all eligible candidates to the post both from the point of view of service and emoluments they are in receipt of.

(5) that in view of the circumstances represented above, the resolution passed by the Commission appointing Mr. Mohamed Akbar as Town Duty Superintendent after balloting

(2

ballotting was ultra vires.

(6) that the decision of the Commission has done great injustice to the other men eligible for the post in Municipal service.

(7) that in view of the President's proposition, we did not apply for the post since we thought that, as a matter of course, the Commission would accept the President's recommendation to appoint the man selected by him.

(8) that if the Commission wished to have perfect freedom in the matter of appointing a man to the post, they should have asked the President to put up a list of all eligible candidates and then make their decision.

(9) that the appointment of a man to the post carrying a minimum salary of Rs.150/- per mensem, whose regular service in the Municipality is only 18 years and who is now drawing a salary of Rs.84/- is detrimental to the interests of those who are drawing higher salaries and whose qualifications and experience in administrative work entitle them to the post in preference to the individual chosen by the Commission.

(10) that in the interests of Justice the Memorialiasts humbly request the Hon'ble the Resident to call upon the Commission to reconsider the matter and decide the appointment after considering the claims of all eligible men in Municipal service.

(11) that pending reconsideration, the Commission be called upon to keep their resolution of the 25th February 1937, in abeyance.

(12) that your humble Memorialists, in conclusion, pray that early orders may be passed so that the matter may come up for reconsideration at the

Municipal

13

Municipal Commission meeting to be held on the 25th March 1937.

We beg to remain,
Sir,
Your humble Memorialists,

Y. [illegible],
Head Clerk, Municipal Office.

Kamalakara Rao
Accountant, Rec. Depot.

Akrishnasawmi.
2nd Clerk, Municipal Office.

Rakshmana Rao
Record Keeper.

K. Venkatramiah
Accountant, E.E.'s office.

Shibbaraj
Deputy Accountant.

K. Parameswaran

K. Palaniyandy
1st Batt Accountant

(2)

14

Urgent

DEPARTMENT.

BRANCH.

File No.

Serial No.

Issue 12.3.37

Draft Letter / ~~Memorandum~~ / ~~Telegram~~

Class for telegrams: Ordinary / Express / Urgent* / Priority / Clear Line† — 12.3.37

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

No. F.426-37 Dated 12th March 1937.

R.O.II

From

Secretary to the Resident.

To

The President, Municipal Commissio
C & M Station, Bangalore.

To be issued on | Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

S.N.I
C P.I
P.U.C.

APPOINTMENT OF TOWN DUTY SUPERINTENDENT.

Sir,

I am directed to refer to the memorial (copy enclosed) forwarded with your endorsement No.961/37, dated the 27th February 1937, and to request that the Hon'ble the Resident may kindly be favoured with your views on the memorial with particular reference to the following points:-

(1) whether the procedure adopted by the Commission in the matter of the appointment of Town Duty Superintendent was ~~not~~ in conformity with law and the rules applicable thereto within the meaning of Section 173 of the Municipal Law: and

(2)

P—(M-1933)—3-5-34—50,000 Pads.

5

(2) whether the decision of the Commission has resulted in injury to any class or body of persons within the meaning of Section 169 of the Law.

2. I am to request the favour of a very early reply.

I have etc.,

12/3

SECRETARY TO THE RESIDENT.

11.3.37

Very urgent

13—3,000—27—1—1937.

No. 1264/37 Encl I (3)

CIVIL AND MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.
Dated.....16.....March.....1937.

From

L. J. MAC IVER, ESQ., I. C. S.,
President, Municipal Commission,
Civil and Military Station, BANGALORE.

To

The Secretary to the Hon'ble the Resident
in Mysore,
BANGALORE.

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE
16-3-37
Recd. No. 2802
File No. 426-37

SIR,

Reference:-Your letter No. F.426-37 R.O.II, dated the 12th March 1937 - Appointment of Town Duty Superintendent.

With reference to your letter quoted above, I have the honour to reply as follows:-

Re.(1). - I put up a proposition nominating the Head Accountant, Mr. Nageswara Iyer, to the post, as in my opinion he was the senior-most among the eligible men in the Department, both in point of salary and of service. My proposition was more with a view to indicate whom I considered suitable than to hamper the free choice of the Commission. My proposition was placed at first before the Standing Committee, along with 3 other applications for the appointment - from Tax Inspector Mohamed Akbar, Sanitary Inspector Ramachandriah Naidu and Tax Inspector Srinivasa Iyengar. The Standing Committee was of opinion that the Municipal Commission should be given entire freedom to suggest any one of the applicants and that voting should be by ballot. I agreed to this suggestion.

2. At the meeting of the Municipal Commission, I indicated my desire that the Municipal Commission should settle its own procedure, since there were no rules governing the selection of a candidate by the Municipal Commission, such as they had had for the election of the Vice-President. I said that the Municipal Commission could adopt one of two courses. Any

(OVER.

Commissioner could propose the name of a candidate and another second it, and candidates whose names were proposed and seconded would be ballotted for. The other course was that the Commissioners could proceed to the ballot box without the formality of proposing and seconding. The Commission favoured this latter course, which was adopted. I do not think that this method offends any rules of law or procedure. However, I have to admit that the question is arguable on the ground that there was no proposition, proposed and seconded, before the Commission, and if the view is taken that the procedure adopted is technically incorrect, I have no objection to the matter being referred back to the Commission on this ground.

3 Re.(2). - I am of opinion that the Municipal Commission's selection of the candidate has resulted in grave prejudice, not only to the candidate proposed by me but to several others who were drawing higher salaries and who had more years of service in the Municipality.

4. I find from records that this post is regarded as a selection post, reserved by convention for ministerial officers who have done approved service and who have reached the maximum of their grade and who have no further prospects of promotion. The present holder of the post, Mr. Sreeramulu Naidu, was the Senior Accountant of the Executive Engineer's Office, drawing a salary of Rs.100/- at the time of appointment. Before him, Mr. Abdul Khader, who held the post for 7 years, was the Head Clerk of the Secretary's Office, drawing Rs.125/-. Mr. Abdul Khader's predecessor was Mr. Vivekaswamy Pillay, who was Head Accountant in the Secretary's Office. The Municipal Commission, however, have the liberty to set aside this convention and choose whom they please.

5 The most unsatisfactory feature of the matter lies in the fact that my putting up a proposition indicating my choice,

(OVER...

restrained several other qualified aspirants from applying for the post. I believe several of the petitioners belonged to this class. The first signatory to the petition is the Head Clerk of the Secretary's Office, drawing Rs.125/-, and the next senior to the candidate proposed by me. The second signatory is also drawing a higher pay than the one selected, and so is the 5th. I attach a list showing the service and salary of the petitioners, the candidate chosen and the candidate proposed by me.

6 I consider that the best man available has not been chosen. Service, salary and experience were not considerations which determined the choice.

7 Section 169 of the Bangalore Municipal Law is worded in very general terms, but if Municipal employees are to be considered a 'class or body of persons' for the purposes of this section, then, certainly, the decision of the Commission has to be viewed as offending against the provisions of this section of the Bangalore Municipal Law.

8. If it is decided to refer the matter to the Commission, it would be necessary to consider it at their meeting this month, as the post falls vacant from 1st April next.

I have the honour to be,

Sir,

Your most obedient servant,

PRESIDENT, M. C.

DIW.
16-3-37.

STATEMENT.

Sl. No.	Name	Designation.	Educational Qualifications.	Scale of Pay.	Present Pay.	Date of Entertainment in Service.	Age.	Total Service on 8-2-37.	Remarks.
				Rs.	Rs.		Yrs. Mths.	Yrs. Maths	
1.	Mr. K. S. Nageswara Iyer.	Head Accountant.	Matriculation & Accounts Test.	100-5-125.	125/-	15-4-1909.	50 - 10.	27 - 10.	Includes 10 years' Govt. service has been drawing Rs.125/ for the past 12 years.
2.	" Mohamed Akbar.	Tax Inspector.	Mysore Lower Secondary & Excise Inspector's Test.	70-2-80 - 4-100.	84/-	1-11-1912.	48 - 1.	24 - 3.	
3.	" Y. Ramachandra Rao.	Head Clerk.	Matriculation.	100-5-125.	125/-	20-12-1918.	46 - 1.	18-1-19.	Has been drawing Rs.125/- for the past 8 years.
4.	" K. Sundaram Pillay.	Accountant, Rev. Deptt.	Matriculation & Accounts Test, Book-keeping. Elementary and Intermediate, Theory & Practice of Commerce.	60-4-100.	92/-	17-6-1910.	48- 0.	26-7-22.	
5.	" A. Krishnasawmy Moodr.	Drafting Clerk.	Lower Secondary & Commercial Correspondence.	50-2-60.	60/-	1-8-1904.	50-5-14.	32-6-7.	

P 6.	" Y. Lakshman Row.	Record Keeper.	Lower Secondary & studied up to Matriculation - Typewriting (Intermediate) Book-keeping, Correspondence & Office Routine.	50-2-60.	60/-	16-3-1906.	47-11-18.	30-10-23.	
P /7.	" H. Venkataramiah.	Accountant, E.E.'s Office.	Matriculation - Entrance Exam. P.W.A/cs, Madras A/Cs Exam., P.W. Divl.Test, Mysore.	100.	100/-	15-4-1931.	51-1-0.	5-9-24.	
P 8.	".C.N.Subbaiya.	Deputy Accountant, Head Office.	Lower Secondary & studied up to Matriculation.	50-2-60.	60/-	10-8-1908.	52-4-10.	28-5-29.	
P 9.	" K. Parameswara Iyer.	Assistant Accountant.	S.S.L.C. Type-writing & Theory and Practice of Commerce.	40-1-45.	45/-	17-6-1921.	34-3-21.	15-7-22.	May get promotion in the chain of arrangements if No.1 is appointed.
9.	" K. Palaniandy. Moodr.	-do-	Completed Madras S.S.L.C. Course.	40-1-45.	45/-	15-4-1920.	38- 0.	16-9-24.	

-3-37.

Issued Bml 24/3/37.

Issue 24.3.37

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter / Memorandum / Telegram

Class for telegrams

Ordinary
Express
Urgent*
Priority
Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

S.W.S
C.F.B
P.W.C

No. F.426-37 Dated 24th March 19.37
R.O.II
From
Secretary to the Resident.

To

The President, Municipal Commission,
Civil and Military Station,
Bangalore.

APPOINTMENT OF TOWN DUTY SUPERINTENDENT..

Sir,

With reference to your letter No.1264/37, dated the 16th March 1937, I am directed to say that the Hon'ble the Resident considers that as the making of the appointment of the Town Duty Superintendent rests under the law with the Municipal Commission, the petitioners should address their representations to the Commission. I am to request that the petitioners may kindly be informed accordingly.

I have etc.,

for Secretary to the Resident.

24/3

S. 5.
MGIPC—S1—1989(CPS) MFP—(M-1738)—19-4-35—50,000 Pds.

23.3.37

BANGALORE C & M STATION MUNICIPALITY

Office Hours:—
11 A.M. to 5 P.M.

Telephone No. 55.

CONFIDENTIAL. S 11-5

Mayo Hall,

23rd March 1937.

My dear Edwards,

25.3.37.
3142

Reference:-Our conversation to-day.

2. ~~As it seems unlikely that~~ If it will not be possible for me to receive orders on the Memorial submitted by certain Municipal employees regarding the recent appointment of Town Duty Superintendent in time to be considered at the Municipal meeting this month, I would request that, if there be no objection, I may be permitted to extend the tenure of office of the present Town Duty Superintendent for one month.

Yours sincerely

Major C.G.N.EDWARDS, I.A.,
Secretary to the Hon'ble the
Resident in Mysore,
BANGALORE.

CONFIDENTIAL.

Issue 25/3

DEPARTMENT.

BRANCH.

File No.

Serial No.

Issued 25/3/37

Draft Letter / Memorandum / Telegram

Class for telegrams: Ordinary / Express / Urgent* / Priority / Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

No. F.426-37 Dated 25th March 1937

R.O.II

From

Secretary to the Resident.

To

L. J. MacIver Esq., I. C. S.,
President, Municipal Commission,
Civil and Military Station,
Bangalore.

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	
Heading:	
Case or Diary No.	
If post copy of telegram required	
Date of despatch of above	
List of enclosures	

(Code word for telegrams.)

C.M.S.
C.P.C.
P.A.C.C.

D.O.

Will you please refer to your confidential demi-official letter dated the 23rd March 1937, regarding the appointment of the Town Duty Superintendent.

The Resident's decision on the memorial is being communicated to you officially. He has no objection to the extention of the present man's tenure by one month, if you find this advisable.

Yours.....

25/3

(for Major C.G.N.Edwards)

24.3.37

S. 5.
NGIPC—S1—1989(CPS) MFP—(M-1738)—19-2-35—50,000 Pds.

Bangalore,

Dated 29th April 1937.

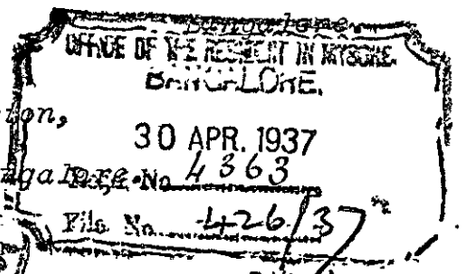
To

The Secretary to the Hon'ble the Resident in Mysore,

Through

The President, Municipal Commission,

Civil & Military Station, Bangalore.



Sir,

Appointment of Town Duty Superintendent.

The humble Memorial of the undermentioned employees sheweth :-

(1) That in accordance with the instructions contained in your letter No.F.426-37/R.O.II, dated the 24th March 1937, to the President, Municipal Commission, which were communicated by him to us, we submitted a Memorial to the Commission (copy enclosed).

(2) that the matter came up before the Commission at their meeting this morning (29th April 1937) with a recommendation from the Standing Committee that the petition be taken into consideration

(3) that at the meeting, Mr. Paezold, one of the Commissioners, moved a proposition to the effect that the Commission's resolution of the 25th February 1937 be rescinded and that a fresh selection, by ballot, be made after calling for fresh applications.

(4) that this proposition was lost by the casting vote of the President, 9 voting for and 9 against it.

(5) that several members present remained neutral.

(6) that the effect of the present decision of the Commission is that the original resolution No.7 of the 25th February 1937, which was a most unjust one as represented in our Memorial dated the 27th February 1937, stands.

(7) that, if at least, the proposal referred to in para 3 supra had been passed, we would have had a chance of our claims being considered.

(8) that by turning down Mr. Paezold's proposition the Commission have not considered our claims and representations.

P.T.O.

Forwarded.

The facts stated in paras 1 to 5 of the Memorial are correct.
I have nothing to add to the remarks made by me in my letter No.1264/37 dated the 16th March 1937 on this subject, which explain the circumstances under which the Memorialists were compelled to resort to the course they adopted.

(9) that if the injustice of the resolution of the 25th February 1937, is allowed to stand, it will create very grave discontent among the employees of the Municipality.

(10) that the proceedings of the Commission erred from the very beginning in that no opportunity was given to the Municipal staff in general to apply for the post.

(11) that we pray that the Hon'ble the Resident in his capacity of Local Government may kindly treat this Memorial as an appeal within the purview of the Civil Service Classification, Conduct and Appeal Rules and may graciously be pleased to redress the grievances of the Memorialists.

(12) that we still feel that this is a fit case for consideration by the Hon'ble the Resident under the provisions of Section 169 of the Bangalore Municipal Law.

(13) that pending orders on this appeal, the Hon'ble the Resident may be pleased to order action on the resolution of the 25th February 1937 to be kept in abeyance and to extend the term of office of the present incumbent of the post, as otherwise, the said resolution would have to be given effect to from the 2nd May 1937, the present incumbent having to hand over charge on the afternoon of the 1st May 1937.

We beg to remain,

Sir,

Your humble Memorialists,

G. Ramaswamy,
Head clerk, M. Office.

A. Krishnaswamy.
2nd clerk municipal Head Office

K. Paramaswaran
asst. accts.

K. Palaniyandy
Asst Accts

Ramadasan Pillai
Accountant Rev: Deptt

N. Venkatramiah
Asst = Rev. Supvr's Office.

Subbaraya
Dy: Accountant.

Lakshmana Rao
Record Keeper.

Memorial dated 24th March 1937.

To

The Municipal Commission ,

Civil and Military Station, Bangalore.

Through

The President, Municipal Commission,

Civil and Military Station, Bangalore.

The humble Memorial of the undermentioned Municipal employees sheweth :-

1). That on the agenda of the ordinary meeting of the Municipal Commission held on the 25th February 1937, there was a proposition standing in the name of the President to appoint Mr. K. S. Nageswara Iyer, Head Accountant, Municipal Secretary's Office as Town Duty Superintendent.

2). That the Commission did not consider the President's proposition but decided to vote by ballot among the only 4 candidates whose applications were in the file as a result of which Mr. Mohamed Akbar, Tax Inspector, Revenue Department, who obtained the largest number of votes was appointed Town Duty Superintendent.

3). That in view of the President's proposition which was the most equitable from the point of view of service, emoluments and administrative experience of the candidate recommended by him, we did not apply for the post although we were eligible for it.

4). That the Commission's decision has resulted in great injustice to us since we had no chance of our claims being considered and since the candidate chosen by them for the appointment has superseded us.

5). That the appointment of a man to the post carrying a minimum salary of Rs.150/- per mensem, whose regular service in th Municipality is only 18 years and who is now drawing a salary of Rs.84/- is detrimental to the interests of those who are drawing higher salaries and whose qualifications and experience in administrative work entitle them to the post in preference to the individual chosen by the Commission.

6). That in the interests of Justice the Memorialists humbly request the Municipal Commission to reconsider their decision in the matter and to decide the appointment after considering the

P.T.O.

claims of all eligible men in Municipal Service.

7). That Section 24 of Bye-law No.2, Chapter I, need not stand in the way of the Commission reconsidering the matter in vi of the fact that they had not all the facts of the case before the at the time of passing the original resolution on the 25th February 1937.

8). That by reconsidering the matter the Commission would not only be affording satisfaction to all the men eligible to the post but would also be helping a number of people who are on lower scales of pay to get promotion in the chain of arrangements if a man who is senior in service, emoluments and administrative experience is appointed to the post by them.

9). That in conclusion the Memorialists humbly pray that the Municipal Commission may be graciously pleased to reconsider the matter and to do Justice to the satisfaction of all concerned.

Your humble Memorialists,

(Sd). Y. Ramachandra Rao,
Head Clerk,
Municipal Office.

(Sd). A. Krishnaswami,
2nd Clerk, Municipal Head Office

(Sd). K. Palaniyandy,
Assistant Accountant.

(Sd). K. S. Sundaram Pillay,
Accountant, Revenue Department.

(Sd). B. Desikachari,
Tax Inspector.

(Sd). C. N. Subbaiya,
Deputy Accountant.

(Sd). M. Venkataramiah,
Accountant, Executive Engineer's Office.

(Sd). K. Parameswaran,
Assistant Accountant.

(Sd). Y. Lakshman Rao,
Record-Keeper.

" Copy. "

Copy forwarded for information and immediate action, in the cause of justice.

To:- The Hon'ble The Resident in Mysore
Bangalore.

To:- The Secretary
To The Resident in Mysore
Bangalore.

To:- The Secretary.
Foreign & Political Department
G.of.I. SIMLA.

To:- The President & Commissioners
C.&.M.Station Municipal Commission
Bangalore

To:- Pundit Jawaharilal Nehru.
President All India Congress
Bombay.

F.-30/4107

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE
30 APR. 1937
Page No. 4364
File No. 1126/37

R. Ramaswamypillay
22.R.1.Street.
Bangalore. 30th April 1937

To:-

The E D I T O R.
The Daily Post
Bangalore.

Sir,

DO TWO WRONGS MAKE A RIGHT.

INJUSTICE OF CITY FATHERS OF C.&.M.STATION MUNICIPALITY BANGALORE WITH REGARD TO APPOINTMENT IN THEIR GIFT.

****

As one who attended the meeting of the Municipal Commission on the morning of the 27th February & 29th April 1937, permit me your unfailing generosity of space in your valued paper to bring before the Public in general, and the Hon'ble the Resident and other authorities in particular, the deliberate injustice perpetrated by our City Fathers.

It is a true saying, that to err is human, to own up such an error & rectify it is divine, but to deliberately embrace the error & deny common justice is diabolical, and its the last portion which some of our City Fathers have preferred to do, which causes this letter of protest, from one of the Public, as I know the grieved ones cannot act being in service.

Last February the President put up a Proposition, recommending that a certain senior member of his office be appointed to the Post of Supdt Town Duty.

Mind Sir, a definite Proposition, giving the name of the official for the appointment, was put up, and formed part of the agenda of business for meeting held on the 27th February 1937, thus barring several other more eligible candidates from applying for this post. However some City Fathers who thought more of their dignity, than the good of the Public, who got them that dignity by electing them to the Commission, objected to the President recommending a particular man, in his definite Proposition, thus r obbing the City Fathers & mothers of a free choice in the matter. It is believed that the President gave in to the request of these self interested City Fathers & withdrew his Proposition at the meeting on 27/2/37.

Well Sir, I am sure that when there is a definite Proposition on the agenda of business, and when that is withdrawn, by all ordinary code of Parliamentary procedure, no further action on that particular subject lies with-in the legal powers of the meeting to deal with on the same day, and all further action needed should be proposed & placed on the agenda of its next meeting in the proper manner.

But alas, at the same meeting, when the matter had closed by the Presidents withdrawal of the Proposition, some interested City Fathers called upon the President to lay before them any applications that had been received,

PAGE 2.

so that they could be balloted upon, a most ir-regular & illegal procedure and morally unjust in view of the knowledge that all eligible canndidates were not asked to apply.

The President instead of using the powers invested in him and pointing out to the City Fathers that, that would be an irregular procedure which he would not allow, but that he would call for applications from all eligible candidates in the Municipality, who were held back from applying due to his definite Proposition, and then present the lot at the next meeting, again gives in to some self interested City Fathers and places before them THREE applications which he had received in December last when the present Supdt Town Duty, had applied for 4 months leave. Ofcourse this action on the part of the President, gave a glowing satisfaction to the self interested City Fathers, and unjust or not, they wanted to prove their might over the President, so took a ballot on those 3 application and secured the post for the most junior and insufficiently qualified applicant, of the three.

I am told that on the reaching of this decision, the senior members of the Staff saw the President and pointed out to him, the unjust, illegal action taken in the matter, and he permitted them to prefer an appeal to the Hon'ble the Resident, and to show that he sympathized with the appellants, he granted one months extention to the present incumbent, to allow the appeal to be dealt with. I am also told that the Hon'ble the Resident, realising the illegality & injustice of the action, most graciously & tactfully asked the appelants to appeal first to the Commission for reconsideration of the question.

Thus the matter was again brought on the agenda of business to be dealt with in April, and the Standing Committee of the Commission which met on 15/4/37, felt that it was a real grievance, and recommended that it be placed before the whole house at the monthly meeting on the 29/4/37

Thank God for some genuinely conscientious City Fathers & mothers, who having erred were prepared to rectify the error, when brought to their notice, put in a Proposition that the "Minutes of the meeting of 27/2/37 dealing with this matter be rescinded, and fresh applications from all those eligible to apply, and did not do so due to the Presidents Proposition, be called for

Ah Sir, the above Proposition, the only correct thing under th circumstances, caused a lively discussion amongst the City Fathers, and such of those who thought more of self dignity, rather than of Justice, based their talk of the theme of the loss of dignity of the house, and threathened dire vengence to that extent, as to intimedate the weaker ones, which to my horror included

included even the President, as I shall prove further on in this letter.

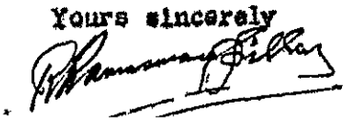
When the matter was put to the poll, there was a tie, 9 in favour of rescinding the minutes and doing justice, and 9 against it, and determined to deliberately perpetrate injustice by refusing to allow the rescinding of the minutes, thus throwing out the appeal for justice without a hearing.

An old European City Father, whose name I regret I do not know, or I should certainly broadcast it, at this tie, jumped up and told the President that the balance of giving or denying justice was in his hands, by his casting vote, but as I said above the President was intimedated by the opposing party of Fathers & mothers, and casted his vote against granting of Justice, thus upholding a most glaring, unjust and illegal action of the self interested few.

Now Sir, I deliberately say a FEW, for I found at the meeting that the stalwart City Fathers on CONGRESS ticket urged the case most heroically in favour of granting justice and rescinding the minutes, but alas, whether it was another case of intimedation by the opposing few, or whether they feared a comaunal riot, I do not know, however to their shame I must say, that they remained nuteral at the poll, by which action they deliberately aided and abetted the perpetration of worng and injustice, instead of proving themselves true sons of Congress by fearlessly voting for justice & right, they spoke so much about at the meeting. The same shameful suppression of their convictions was noticed from some on the Ex-Officio benches, who remained nuteral, when in their heart of hearts they know that wrong & injustice was being done.

I would very much like to mention the names of such of the City Fathers & mothers who deliberately opposed and voted against justice being done, so that the voters may be careful at the next election, but refrain from so doing, as I want to see if the Hon'ble the Resident, who on behalf of His Majesty, is supposed to hold the scales of true British justice, in this small town of ours will atleast now step in and intervene, and teach the few self interested City Fathers & mother, that they cannot barefacedly perpetrate an injustice and wrong, and veto the resolution carried yesterday, and ord r the President to stay all action on the matter, and the Commission to reconsider the case after calling for all applications from eligible candidates ~~xxxxxxxx~~ from amongst the Municipal Staff.

Yours sincerely



All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.426-37
R.O. II

FROM

Issued 19/5/37.

The SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The President, Municipal Commission,
Civil and Military Station, Bangalore.

Dated Bangalore, 19th May *1937*.

APPOINTMENT OF TOWN DUTY SUPERINTENDENT.

SIR,

S.N. 7

I am directed to refer to your endorsement No.1264/37, dated the 30th April 1937. The Commission, which have the power to appoint the Town Duty Superintendent have twice considered this matter, and have upheld their original decision. In the circumstances the Hon'ble the Resident does not consider that interference on his part is called for.

I am to request that the petitioners may be informed accordingly.

I have the honour to be,
Sir,
Your most obedient servant,

O/C

SECRETARY TO THE RESIDENT.

BJ